

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DEAN MILLS, et al.,

**Plaintiffs,**

Case No. 2:13-cv-02203-RFB-CWH

## ORDER GRANTING LEAVE TO AMEND

V.

## BANK OF AMERICA, N.A., et al.,

### Defendants.

13 On September 8, 2014, Dean and Glenda Mills (“Plaintiffs”) moved for leave to file an  
14 amended complaint. ECF No. 29. On September 12, Defendants Bank of America, N.A. and  
15 Nationstar Mortgage (“Moving Defendants”), LLC opposed Plaintiffs’ motion. ECF No. 30.  
16 Defendant Old Republic Insurance Company did not oppose the motion.

17        “A district court shall grant leave to amend freely ‘when justice so requires.’ . . . this  
18 policy is to be applied with extreme liberality.” Owens v. Kaiser Found. Health Plan, Inc., 244  
19 F.3d 708, 712 (9th Cir. 2001) (internal citations omitted) (internal quotation marks omitted);  
20 accord Fed. R. Civ. P. 15(a)(2). A district court may consider “undue delay, bad faith, futility of  
21 amendment, and prejudice to the opposing party.” Howey v. United States, 481 F.2d 1187, 1190  
22 (9th Cir. 1973); accord Chudacoff v. Univ. Med. Ctr. of S. Nevada, 649 F.3d 1143, 1152 (9th  
23 Cir. 2011). “While all these factors are relevant, the crucial factor is the resulting prejudice to  
24 the opposing party.” Howey, 481 F.2d at 1190; accord Eminence Capital, LLC v. Aspeon, Inc.,  
25 316 F.3d 1048, 1052 (9th Cir. 2003) (“Prejudice is the ‘touchstone of the inquiry under rule  
26 15(a).’” (citations omitted)).

27 Here, Plaintiffs' request leave to amend to add new parties and assert new claims arising  
28 out of the same events described in the original complaint. Mot. to Am. 9, ECF No. 29.

1 Plaintiffs claim “[a]djucation of these causes of action in this case is necessary to avoid  
2 unnecessary duplication and to afford plaintiff all of his rights under the law.” Id.

3 In opposition, Moving Defendants allege futility as the only reason to deny amendment.  
4 Opp’n 2, ECF No. 30. As the Moving Defendants do not claim any prejudice or other harm will  
5 be caused by the filing of the amended complaint, the Court will permit the filing of the proposed  
6 amended pleading. For these reasons, the Court finds that the interest of justice is best served by  
7 permitting amendment of the complaint. Accordingly,

8 IT IS ORDERED that Motion for Leave to File Amended Complaint, ECF No. 29, is  
9 GRANTED.

10 IT IS FURTHER ORDERED that Motion to Dismiss, ECF No. 7, Motion for Partial  
11 Summary Judgment, ECF No. 13, Motion to Amend Complaint, ECF No. 14, Motion to Dismiss,  
12 ECF No. 31, and Stipulation for Extension of Time, ECF No. 32, are DENIED as moot, without  
13 prejudice.

14 IT IS FURTHER ORDERED that the Clerk of Court shall DETACH and FILE the First  
15 Amended Complaint attached to the motion at ECF No. 29-1.

16 Dated: February 17, 2015.



---

17 RICHARD F. BOULWARW, II  
18 United States District Judge

19

20

21

22

23

24

25

26

27

28